

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DIANA L. ELKINS

PLAINTIFF

V.

CIVIL ACTION NO. 2:15-cv-2120-MEF

CAROLYN W. COLVIN, Commissioner,
Social Security Administration

DEFENDANT

FINAL JUDGMENT

This cause is before the Court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for disability benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c). The Court, having reviewed the administrative record, the briefs of the parties, the applicable law, and having heard oral argument, finds as follows, to-wit:

Consistent with the Court's ruling from the bench following the parties' oral argument, the decision of the Commissioner of Social Security is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

The Court finds that remand is necessary to allow the ALJ to reconsider the Plaintiff's RFC in light of her hearing and speech impairments. During a consultative exam in September 2012, Dr. Walz found her speech difficult to understand at times. Further, an audiologist conducted hearing tests on Plaintiff in May 2013, noting moderate profound sloping SNHL word recognition bilaterally and recommending a trial period of amplification and further follow-up. Although the ALJ found her hearing impairment to be severe, his RFC determination made no mention of it. Accordingly, remand is necessary to allow the ALJ to obtain a consultative audiology examination

complete with an RFC to determine the full extent of the Plaintiff's hearing impairment. Based on the new information obtained, the ALJ should then formulate hypothetical questions to the vocational expert to determine whether the Plaintiff remains capable of performing jobs that exist in significant numbers in the national economy.

IT IS SO ORDERED AND ADJUDGED on this the 8th day of September, 2016.

/s/ Mark E. Ford

HON. MARK E. FORD

UNITED STATES MAGISTRATE JUDGE